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Paper No. **414**
Entered October 27, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

**TAKESHI MATSUSHITA and
HIROSHI TAYANAKA**
Junior Party
(Patent 5,811,348)¹

FAXED

OCT 27 2005

v.

**KIYOFUMI SAKAGUCHI and
TAKAO YONEHARA**
Senior Party
(Application 09/161,774)²

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference No. 105,263

Before SCHAFFER, LEE, and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment – Bd. Rule 127(b)

¹ Based on Application 08/595,382, filed February 1, 1996. The real party in interest is Sony Corporation.

² Filed September 29, 1998. Accorded the benefit of Application 08/863,717, filed May 27, 1997; Application 08/401,237, filed March 9, 1995; Japanese Application 7-045441, filed March 6, 1995; and Japanese Application 6-039389, filed March 10, 1994. The real party in interest is Canon Kabushiki Kaisha.

Interference No. 105,263
Matsushita v. Sakaguchi

Junior party Matsushita filed a paper conceding priority to the senior party as to the subject matter of the count. (Paper No. 29) Junior party Matsushita also filed Substantive Motion 1 seeking to designate its involved claims 6, 7 and 9 as not corresponding to the count. The motion has been denied. (Paper No. 40) The concession of priority is treated as a request for entry of adverse judgment. The request is herein **granted**.

It is

ORDERED that judgment as to the subject matter of Count 1 is entered against junior party TAKESHI MATSUSHITA and HIROSHI TAYANAKA;

FURTHER ORDERED that junior party TAKESHI MATSUSHITA and HIROSHI TAYANAKA is not entitled to its patent claims 1-7 and 9-11 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.

Interference No. 105,263
Matsushita v. Sakaguchi

<u>/ss/ Richard E. Schafer</u>)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
)	
)	
<u>/ss/ Jameson Lee</u>)	BOARD OF PATENT
JAMESON LEE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
<u>/ss/ James T. Moore</u>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

Interference No. 105,263
Matsushita v. Sakaguchi

By Facsimile:

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INTERFERENCE DIGEST

Interference No. 105,263

Paper No. 13

Name: Kiyofumi Sakaguchi et al.

Serial No.: 09/161,774

Patent No.

Title: Process for production of semiconductor substrate

Filed: 09/29/98

Interference with Matsushita et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, *Ed Jonville* Dated, *10/27/05*

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.